

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

|                                |   |                                  |
|--------------------------------|---|----------------------------------|
| MARK SHANNON WHEELER, #139004, | ) |                                  |
|                                | ) |                                  |
| Plaintiff,                     | ) |                                  |
|                                | ) |                                  |
| v.                             | ) | CIVIL ACTION NO. 2:06-CV-274-MHT |
|                                | ) |                                  |
| BILL SEGREST,                  | ) |                                  |
|                                | ) |                                  |
| Defendant.                     | ) |                                  |

**ORDER ON MOTION**

Upon consideration of the motion for leave to file a motion for summary judgment filed by the plaintiff on July 12, 2006 (Court Doc. No. 31), and for good cause, it is

ORDERED that this motion be and is hereby DENIED. The plaintiff is advised that upon receipt of all necessary written reports and evidentiary materials from the defendant the court will allow him an opportunity to file a response addressing the defendants' arguments.

Done this 14<sup>th</sup> day of July, 2006.

/s/Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE